

## **2009 DRAFTING REQUEST**

### **Bill**

Received: **12/22/2008**

Received By: **mkunkel**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Dombrowski**

This file may be shown to any legislator: **NO**

Drafter: **mkunkel**

May Contact:

Addl. Drafters:

Subject: **Public Util. - energy**

Extra Copies:

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

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### **Pre Topic:**

DOA:.....Dombrowski, BB0277 -

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### **Topic:**

Transfer Division of Energy to PSC

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/P1	mkunkel 01/14/2009	kfollett 01/15/2009	rschluet 01/15/2009	_____	sbasford 01/15/2009		
/P2	mkunkel 01/21/2009	kfollett 01/22/2009	rschluet 01/22/2009	_____	lparisi 01/22/2009		
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/P6	mkunkel 02/02/2009	kfollett 02/02/2009	mduchek 02/02/2009	_____	mbarman 02/02/2009		State
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*10/1/19*  
*new*  
*cmh*

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<END>

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/P2	mkunkel 01/21/2009	kfollett 1/22/09					

*[Handwritten signatures and initials are present over the Drafting History table, including "1 P2 kf", "1/22/09", and a large signature.]*

FE Sent For:

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Requester's email:

Carbon copy (CC:) to:

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**Pre Topic:**

DOA:.....Dombrowski, BB0277 -

---

**Topic:**

Transfer Division of Energy and Office of Energy Independence to PSC

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**Instructions:**

See attached

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**Drafting History:**

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FE Sent For:

<END>

- 1261

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Division of Energy Transfer
- Tracking Code: BB0277
- SBO team: GGED
- SBO analyst: Cindy Dombrowski *CD*
  - Phone: 266-5878
  - Email: cynthia.dombrowski@wisconsin.gov
- Agency acronym: DOA
- Agency number: 505
- Priority (Low, Medium, High): Medium

MDK  
or  
JTK?

### Intent:

Transfer the Division of Energy and the Office of Energy Independence from DOA to PSC.

Employees transferred shall maintain the same civil service rights.

DOA should maintain the division administrator position.

## Kunkel, Mark

---

**From:** Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]  
**Sent:** Tuesday, January 06, 2009 9:22 PM  
**To:** Kunkel, Mark  
**Subject:** RE: BB0277 questions

Hi Mark -

Energy does administer the programs and statutes you referenced, as well as 16.957 Utility public benefits, which should be transferred to PSC as well. I'll have to get back to you on LHRP.

At this time, please do not change the number of unclassified positions allowed at either agency.

Is this enough to get started on this one? I'll look up the LHRP reference as soon as I get in tomorrow.

Thanks,  
Cindy

---

**From:** Kunkel, Mark [mailto:Mark.Kunkel@legis.wisconsin.gov]  
**Sent:** Tuesday, December 30, 2008 3:41 PM  
**To:** Dombrowski, Cynthia A - DOA  
**Subject:** BB0277 questions

Cindy:

I have some questions about the transfer of the Division of Energy from DOA to the PSC. DOA's Division of Energy doesn't appear to be referenced in the statutes, so I'm having some difficulty figuring out what exactly to transfer to the PSC.

DOA's website says that the Division of Energy administers the Wisconsin Home Energy Assistance Program (WHEAP), the Wisconsin Weatherization Program (WWP), and the Lead Hazard Reduction Program (LHRP). I assume that s. 16.27 authorizes WHEAP and s. 16.26 authorizes WWP, but I'm not sure what statute authorizes LHRP.

Are the foregoing the only programs that you want to transfer from DOA to the PSC? Or do you want to transfer additional energy-related programs in ch. 16 (e.g., any of the programs under subch. VI of ch. 16)? Also, what is the relevant statute for LHRP?

In addition, the request states that DOA should retain the division administrator position. I assume that you mean that you don't want to affect the number of administrators authorized for DOA under s. 230.08 (2) (e) 1. However, do you want to increase the number authorized for the PSC under s. 230.08 (2) (e) 9m.?

Thanks for your help,

-- Mark



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-1261/P1

MDK: *kgf*

*O-NOTE*

DOA:.....Dombrowski, BB0277 - Transfer Division of Energy and Office of Energy Independence to PSC

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

*1-14-09*

*Don't Gen*

1 AN ACT ...; relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

✓ Under current law, the DOA has created a Division of Energy to administer federal and state programs for providing assistance to low-income households for weatherization, energy conservation, payment of energy bills, and other energy-related services. This bill transfers responsibility to administer the programs from DOA to the PSC. The bill also transfers the Office of Energy Independence from DOA to the PSC.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 15.01 (6) of the statutes is amended to read:  
3 15.01 (6) "Division," "bureau," "section" and "unit" means the subunits of a  
4 department or an independent agency, whether specifically created by law or created



by the head of the department or the independent agency for the more economic and efficient administration and operation of the programs assigned to the department or independent agency. The office of justice assistance in the department of administration, the office of energy independence in the ~~department of administration~~ public service commission, the office of the Wisconsin Covenant Scholars Program in the department of administration, and the office of credit unions in the department of financial institutions have the meaning of "division" under this subsection. The office of the long-term care ombudsman under the board on aging and long-term care and the office of educational accountability in the department of public instruction have the meaning of "bureau" under this subsection.

**History:** 1977 c. 29, 274; 1979 c. 34; 1983 a. 27, 189, 371, 410, 538; 1985 a. 29, 120, 180; 1987 s. 27, 342, 399; 1989 a. 31, 107, 202; 1991 a. 39, 269, 315; 1993 a. 16, 107, 210, 215; 1995 a. 27 ss. 74 and 9145 (1); 1995 a. 442, 462; 1997 a. 27, 237; 2001 a. 16, 105, 109; 2005 a. 25, 421; 2007 a. 20.

**SECTION 2.** 15.105 (30) of the statutes is renumbered 15.795 (2) and amended

to read:

**15.795 (2) OFFICE OF ENERGY INDEPENDENCE.** There is created an office of energy independence in the ~~department of administration~~ public service commission. The office shall be headed by an executive director and shall have staff sufficient to carry out the duties under s. ~~16.956~~ 196.026.

**History:** 1971 c. 40, 164, 270; 1973 c. 90, 333; 1975 c. 397; 1977 c. 29 s. 1649; 1977 c. 196 ss. 9, 10; 1977 c. 325, 392, 396, 418, 447; 1981 c. 20, 62, 182, 350, 374; 1983 a. 27, 91; 1983 a. 192 s. 303 (7); 1983 a. 371; 1985 a. 29 ss. 68 to 70, 87, 3202 (27); 1985 a. 180 s. 30m; 1987 a. 27, 142; 1987 a. 147 s. 25; 1987 a. 204, 342; 1989 a. 31, 56, 107, 345; 1991 a. 212, 269; 1993 a. 75, 246, 349, 437, 465, 491; 1995 a. 27 ss. 79 to 118p, 9116 (5), 9126 (19); 1995 a. 221, 225; 1997 a. 3; 1997 a. 27 ss. 51 to 53, 9456 (3m); 1997 a. 247; 1999 a. 9, 105, 185; 2001 a. 16 ss. 139, 174, 109; 2003 a. 33 ss. 87s to 97d, 115, 2811, 9160; 2003 a. 48 ss. 10, 11; 2003 a. 171; 2003 a. 206 s. 23; 2005 a. 25 ss. 47, 48, 2493; 2005 a. 253; 2007 a. 20 ss. 35 to 35p, 52b, 9121 (6) (a).

**SECTION 3.** 15.795 (title) of the statutes is amended to read:

**15.795 (title) Same; attached office offices.**

**History:** 1993 a. 123; 2003 a. 89; 2005 a. 179.

**SECTION 4.** 16.26 of the statutes is renumbered 196.3742 and amended to read:

**196.3742 Weatherization Federal weatherization assistance.**

Notwithstanding s. 16.54 (2) (a), the department commission shall administer

1 federal funds available to this state under the weatherization assistance for  
2 low-income persons program, as amended, 42 USC 6861 to 6873. The department  
3 commission shall administer the funds in accordance with 42 USC 6861 to 6873 and  
4 regulations adopted under 42 USC 6861 or 6873.

History: 1991 a. 39; 1995 a. 27, 289, 432; 2003 a. 33 s. 163; Stats. 2003 s. 16.26.

5 **SECTION 5.** 16.27 (title) of the statutes is renumbered 196.3744 (title) and  
6 amended to read:

7 **196.3744 (title) Low-income Federal low-income energy assistance.**

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

8 **SECTION 6.** 16.27 (1) of the statutes is renumbered 196.3744 (1) and 196.3744

9 (1) (e), as renumbered, is amended to read:

10 196.3744 (1) (e) "Low-income warm room program volunteer" means a person  
11 who is eligible for assistance under 42 USC 8621 to 8629, whose dwelling, in  
12 comparison to the dwellings of other persons eligible for assistance under 42 USC  
13 8621 to 8629, has a high ratio of space to occupant, and who volunteers to take the  
14 training under sub. (2) (b) and to cooperate with the department commission in the  
15 installation and operation of low-income warm room program materials in his or her  
16 dwelling.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

17 **SECTION 7.** 16.27 (2) of the statutes is renumbered 196.3744 (2) and amended  
18 to read:

19 196.3744 (2) ADMINISTRATION. (a) The department commission shall  
20 administer low-income energy assistance as provided in this section to assist an  
21 eligible household to meet the costs of home energy with low-income home energy  
22 assistance benefits authorized under 42 USC 8621 to 8629.

(b) The ~~department~~ commission shall administer a low-income warm room program to install low-income warm room program materials in the dwellings of low-income warm room program volunteers and to train the low-income warm room program volunteers and the members of each low-income warm room program volunteer's household in the operation of the low-income warm room program materials to achieve maximum health and heating efficiency.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

**SECTION 8.** 16.27 (3) of the statutes is renumbered 196.3744 (3), and 196.3744

(3) (intro.), (b), (c), (d), and (e) (intro.), 1., 6., and 7., as renumbered, are amended to read:

196.3744 (3) FUNDING. (intro.) Subject to s. 16.54 (2), the ~~department~~ commission shall do all of the following, within the limits of the availability of federal funds received under 42 USC 8621 to 8629:

(b) By October 1 of every year from the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (1) (m), determine the total amount available for payment of heating assistance under sub. (6) and determine the benefit schedule.

(c) From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (1) (m), allocate \$1,100,000 in each federal fiscal year for the ~~department's~~ commission's expenses in administering the funds to provide low-income energy assistance under this section.

(d) From the appropriation under s. ~~20.505 (1)~~ 20.155 (3) (n), allocate \$2,900,000 in each federal fiscal year for the expenses of a county department, another local governmental agency, or a private nonprofit organization in administering under sub. (4) the funds to provide low-income energy assistance under this section.

(e) (intro.) From the appropriation under s. ~~20.505 (1) (mb)~~ 20.155 (1) (m):

1 1. Allocate and transfer to the appropriation under s. ~~20.505 (1) (kn)~~ 20.155 (3)  
2 (k), 15% of the moneys received under 42 USC 8621 to 8629 in each federal fiscal year  
3 under the priority of maintaining funding for the geographical areas on July 20,  
4 1985, and, if funding is reduced, prorating contracted levels of payment, for the  
5 weatherization assistance program administered by the department commission  
6 under s. ~~16.26~~ 196.3742.

7 6. If federal funds received under 42 USC 8621 to 8629 in a federal fiscal year  
8 total less than 90% of the amount received in the previous federal fiscal year, submit  
9 a plan of expenditure under s. 16.54 (2) (b) of the funds to the joint committee on  
10 finance. The commission may not use the funds unless the committee approves the  
11 plan.

12 7. By October 1 of each year, allocate funds budgeted but not spent and any  
13 funds remaining from previous fiscal years to heating assistance under sub. (6) or to  
14 the weatherization assistance program under s. ~~16.26~~ 196.3742.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

15 **SECTION 9.** 16.27 (4) of the statutes is renumbered 196.3744 (4) and amended  
16 to read:

17 196.3744 (4) APPLICATION PROCEDURE. (a) A household may apply after  
18 September 30 and before May 16 of any year for heating assistance from the county  
19 department under s. 46.215 (1) (n) or 46.22 (1) (b) 4m. a. to e. or from another local  
20 governmental agency or a private nonprofit organization with which the department  
21 commission contracts to administer the heating assistance program, and shall have  
22 the opportunity to do so on a form prescribed by the department commission for that  
23 purpose.

(b) If by February 1 of any year the number of households applying under par. (a) substantially exceeds the number anticipated, the department commission may reduce the amounts of payments made under sub. (6) made after that date. The department commission may suspend the processing of additional applications received until the department commission adjusts benefit amounts payable.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

**SECTION 10.** 16.27 (5) of the statutes is renumbered 196.3744 (5).

**SECTION 11.** 16.27 (6) of the statutes is renumbered 196.3744 (6) and amended to read:

196.3744 (6) BENEFITS. Within the limits of federal funds allocated under sub. (3) and subject to the requirements of sub. (4) (b) and <sup>subs.</sup> (6m) s. 16.54 (2) (b), heating assistance shall be paid under this section according to a benefit schedule established by the department commission based on household income, family size and energy costs.

History: 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

**SECTION 12.** 16.27 (7) of the statutes is renumbered 196.3744 (7).

**SECTION 13.** 16.27 (8) of the statutes is renumbered 196.3744 (8) and amended to read:

196.3744 (8) CRISIS ASSISTANCE PROGRAM. A household eligible for heating assistance under sub. (6) may also be eligible for a crisis assistance payment to meet a weather-related or fuel supply shortage crisis. The department commission shall define the circumstances constituting a crisis for which a payment may be made and shall establish the amount of payment to an eligible household or individual. The department commission may delegate a portion of its responsibility under this

1 subsection to a county department under s. 46.215 or 46.22 or to another local  
2 governmental agency or a private nonprofit organization.

**History:** 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

3 **SECTION 14.** 16.27 (9) of the statutes is renumbered 196.3744 (9) and amended  
4 to read:

5 196.3744 (9) NOTICE OF UTILITY DISCONNECTION REQUIRED. Any public utility, as  
6 defined in s. 196.01 (5), or any fuel distributor furnishing heat, light or power to a  
7 residential customer shall provide written notice of intent to disconnect or  
8 discontinue service during the months of November to April and shall include  
9 information concerning any federal, state or local program that provides assistance  
10 for fuel or home heating bills. The department commission shall provide printed  
11 information at no cost upon request to any fuel distributor serving residential  
12 customers except public utilities. The information shall describe the nature and  
13 availability of any federal, state or local program that provides assistance for fuel or  
14 home heating bills.

**History:** 1985 a. 29 ss. 1055g, 2488h to 2488n; 1985 a. 176, 332; 1987 a. 27; 1989 a. 31, 359; 1991 a. 39; 1993 a. 16; 1995 a. 27 ss. 2336, 3182 to 3207; Stats. 1995 s. 16.385; 1995 a. 77, 417; 1999 a. 9; 2003 a. 33 s. 162; Stats. 2003 s. 16.27; 2003 a. 321 s. 11; 2003 a. 327 s. 5; 2005 a. 25, 344.

15 **SECTION 15.** 16.54 (2) (b) of the statutes is renumbered 196.3744 (6m) and  
16 amended to read:

17 196.3744 (6m) JOINT FINANCE REVISIONS. Upon presentation of proposed  
18 revisions by the department commission to the joint committee on finance of  
19 alternatives to the provisions under s. 16.27, the joint committee on finance may  
20 revise the eligibility criteria under s. 16.27 sub. (5) or benefit payments under s.  
21 16.27 sub. (6), and the department commission shall implement those revisions.  
22 Benefits or eligibility criteria so revised shall take into account and be consistent  
23 with the requirements of federal regulations promulgated under 42 USC 8621 to

1     ~~8629. If funds received under 42 USC 8621 to 8629 in a federal fiscal year total less~~  
2     ~~than 90% of the amount received in the previous federal fiscal year, the department~~  
3     ~~shall submit to the joint committee on finance a plan for expenditure of the funds.~~  
4     ~~The department may not use the funds unless the committee approves the plan.~~

**History:** 1973 c. 333; 1975 c. 39 ss. 69, 732 (1); 1975 c. 224; 1977 c. 418; 1979 c. 34; 1981 c. 27; 1983 a. 27, 208, 470; 1985 a. 29; 1987 a. 4, 27, 186, 399, 403; 1989 a. 31; 1991 a. 39, 316; 1995 a. 27 ss. 303 to 307, 9126 (19); 1995 a. 132, 225; 1999 a. 9, 74; 2001 a. 16; 2003 a. 33; 2005 a. 25, 74, 335; 2007 a. 20 ss. 92b, 95, 98, 9121 (6) (a); 2007 a. 97.

5     **SECTION 16.** 16.956 of the statutes is renumbered 196.026.

6     **SECTION 17.** 16.957 (title) of the statutes is renumbered 196.3746 (title) and  
7     amended to read:

8     **196.3746 (title) Low-income State low-income assistance.**

**History:** 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

9     **SECTION 18.** 16.957 (1) (intro.) of the statutes is renumbered 196.3746 (1)  
10    (intro.).

11    **SECTION 19.** 16.957 (1) (bm) of the statutes is repealed.

12    **SECTION 20.** 16.957 (1) (c) to (n) of the statutes are renumbered 196.3746 (1)  
13    (c) to (n).

14    **SECTION 21.** 16.957 (1) (o) of the statutes is renumbered 196.3746 (1) (o), and  
15    196.3746 (1) (o) 1., as renumbered, is amended to read:

16         196.3746 (1) (o) 1. The total amount received by the department of  
17    administration for low-income funding under 42 USC 6861 to 6873 and 42 USC 8621  
18    to 8629 in fiscal year 1997-98.

**History:** 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

19    **SECTION 22.** 16.957 (1) (p) and (q) of the statutes are renumbered 196.3746 (1)  
20    (p) and (q).

21    **SECTION 23.** 16.957 (1) (qm) of the statutes is repealed.

22    **SECTION 24.** 16.957 (1) (s) to (x) of the statutes are renumbered 196.3746 (1)  
23    (s) to (x).

1           **SECTION 25.** 16.957 (2) (intro.) of the statutes is renumbered 196.3746 (2)  
2           (intro.) and amended to read:

3           196.3746 (2) ~~DEPARTMENT~~ COMMISSION DUTIES. (intro.) In consultation with the  
4           council, the ~~department~~ commission shall do all of the following:

History: 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

5           **SECTION 26.** 16.957 (2) (a) of the statutes is renumbered 196.3746 (2) (a) and  
6           196.3746 (2) (a) (intro.), as renumbered, is amended to read:

7           196.3746 (2) (a) (intro.) After holding a hearing, establish programs to be  
8           administered by the ~~department~~ commission for awarding grants from the  
9           appropriation under s. ~~20.505~~ 20.155 (3) (r) to provide low-income assistance. In  
10          each fiscal year, the amount awarded under this paragraph shall be sufficient to  
11          ensure that an amount equal to 47% of the sum of the following is spent for  
12          weatherization and other energy conservation services:

History: 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

13          **SECTION 27.** 16.957 (2) (c) of the statutes is renumbered 196.3746 (2) (c).

14          **SECTION 28.** 16.957 (2) (d) of the statutes is renumbered 196.3746 (2) (d) and  
15          196.3746 (2) (d) 4. a. and 4. d., as renumbered, are amended to read:

16          196.3746 (2) (d) 4. a. The expenses of the ~~department~~ commission, other state  
17          agencies, and grant recipients in administering or participating in the programs  
18          under par. (a).

19          d. Any other issue identified by the ~~department~~ commission, council, governor,  
20          speaker of the assembly or majority leader of the senate.

History: 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

21          **SECTION 29.** 16.957 (3) of the statutes is renumbered 196.3746 (3) and amended  
22          to read:

23          196.3746 (3) **CONTRACTS.** The ~~department~~ commission shall, on the basis of  
24          competitive bids, contract with community action agencies described in s. 49.265 (2)



(a) 1., nonstock, nonprofit corporations organized under ch. 181, or local units of government to provide services under the programs established under sub. (2) (a).

History: 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

**SECTION 30.** 16.957 (4) of the statutes is renumbered 196.3746 (4) and 196.3746

(4) (a), (b) (intro.), and (c) 1. (intro.), as renumbered, are amended to read:

196.3746 (4) (a) *Requirement to charge low-income assistance fees.* Each electric utility, except for a municipal utility, shall charge each customer a low-income assistance fee in an amount established in rules promulgated by the ~~department~~ commission under par. (b). An electric utility, except for a municipal utility, shall collect and pay the fees to the ~~department~~ commission in accordance with the rules promulgated under par. (b). The low-income assistance fees collected by an electric utility shall be considered trust funds of the ~~department~~ commission and not income of the electric utility.

(b) *Rules.* (intro.) In consultation with the council, the ~~department~~ commission shall promulgate rules that establish the amount of a low-income assistance fee under par. (a). Fees established in rules under this paragraph may vary by class of customer, but shall be uniform within each class, and shall satisfy each of the following:

(c) 1. 'Low-income funding from fee.' (intro.) In each fiscal year, the low-income assistance fee shall be an amount that, when added to the sum of the following shall equal the low-income need target for that fiscal year determined by the ~~department~~ commission under sub. (2) (d) 1.:

History: 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

**SECTION 31.** 16.957 (5) of the statutes is renumbered 196.3746 (5) and 196.3746

(5) (b) 2. and (g) 1. (intro.) and 2., as renumbered, are amended to read:

1           196.3746 (5) (b) 2. No later than October 1, 2007, and no later than every 3rd  
2   year after that date, each municipal utility or retail electric cooperative shall notify  
3   the ~~department~~ commission whether the utility or cooperative has elected to  
4   contribute the fees that the utility or cooperative charges under par. (a) to the  
5   programs established under sub. (2) (a) in each year of the 3-year period for which  
6   the utility or cooperative has made the election. If a municipal utility or retail  
7   electric cooperative elects to contribute to the programs established under sub. (2)  
8   (a), the utility or cooperative shall pay the low-income assistance fees that the utility  
9   or cooperative collects under par. (a) to the ~~department~~ commission in each year of  
10  the 3-year period for which the utility or cooperative has made the election.

11           (g) *Reports.* 1. (intro.) Annually, each municipal utility and retail electric  
12  cooperative that spends the low-income assistance fees that the utility or  
13  cooperative charges under par. (a) on commitment to community programs under  
14  par. (b) 1. shall provide for an independent audit of its programs and submit a report  
15  to the ~~department~~ commission that describes each of the following:

16           2. The ~~department~~ commission shall require that municipal utilities and retail  
17  electric cooperatives file reports under subd. 1. electronically, in a format that allows  
18  for tabulation, comparison, and other analysis of the reports. The department shall  
19  maintain reports filed under subd. 1. for at least 6 years.

History: 1999 a. 9; 2001 a. 16, 30; 2003 a. 33; 2005 a. 141; 2007 a. 20.

20           **SECTION 32.** 20.155 (3) (title) of the statutes is amended to read:

21           20.155 (3) (title) ~~AFFILIATED GRANT~~ OTHER PROGRAMS.

History: 1971 c. 125; 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1985 a. 79, 296, 297, 332; 1987 a. 27, 399; 1991 a. 39, 269; 1993 a. 16, 123; 1995 a. 27; 1997 a. 27, 140, 229; 1999 a. 9, 32, 84, 150, 196; 2001 a. 16, 30; 2003 a. 48; 2005 a. 179; 2007 a. 20, 130; s. 13.92 (2) (i).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

22           **SECTION 33.** 20.155 (3) (q) (title) of the statutes is amended to read:

20.155 (3) (q) (title) *General Wireless 911 program operations and grants.*

**History:** 1971 c. 125; 1973 c. 90; 1975 c. 39; 1977 c. 29; 1979 c. 34; 1981 c. 20; 1985 a. 79, 296, 297, 332; 1987 a. 27, 399; 1991 a. 39, 269; 1993 a. 16, 123; 1995 a. 27; 1997 a. 27, 140, 229; 1999 a. 9, 32, 84, 150, 196; 2001 a. 16, 30; 2003 a. 48; 2005 a. 179; 2007 a. 20, 130; s. 13.92 (2) (i).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 34. 20.505 (1) (kn) of the statutes is renumbered 20.155 (3) (k) and amended to read:

20.155 (3) (k) *Weatherization assistance.* All moneys transferred from the appropriation under ~~par. sub. (1)~~ sub. (1) (m) and all moneys received from other state agencies or the ~~department~~ commission, for the weatherization program under s. ~~16.26~~ 196.3742, for that purpose.

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 35. 20.505 (1) (n) of the statutes is renumbered 20.155 (3) (n) and amended to read:

20.155 (3) (n) *Federal aid; local assistance.* All moneys received from the federal government for local assistance related to s. ~~16.27~~ 196.3744, as authorized by the governor under s. 16.54, for the purposes of providing local assistance.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226.

SECTION 36. 20.505 (3) (title) of the statutes is amended to read:

20.505 (3) (title) ~~UTILITY PUBLIC BENEFITS AND AIR~~ AIR QUALITY IMPROVEMENT.

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a.

24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 1       **SECTION 37.** 20.505 (3) (q) of the statutes is renumbered 20.155 (3) (qm) and  
2       amended to read:  
3       **20.155 (3) (qm) *General program operations; utility public benefits low-income***  
4       ***assistance.*** From the utility public benefits fund, the amounts in the schedule for  
5       general program operations under s. ~~16.957~~ **196.3746**.

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 6       **SECTION 38.** 20.505 (3) (r) of the statutes is renumbered 20.155 (3) (r) and  
7       amended to read:  
8       **20.155 (3) (r) *Low-income assistance grants.*** From the utility public benefits  
9       fund, a sum sufficient for low-income assistance grants under s. ~~16.957~~ **196.3746** (2)  
10       (a).

**History:** 1971 c. 108, 125, 215; 1971 c. 270 s. 104; 1973 c. 90 and supp., 157, 305; 1975 c. 39 ss. 179 to 184f, 735 (5); 1975 Ex. Order No. 24; 1975 c. 224, 397; 1977 c. 29; 1977 c. 196 ss. 70, 131; 1977 c. 377 s. 30; 1977 c. 418 s. 929 (1), (55); 1979 c. 32 s. 92 (5); 1979 c. 34, 175, 221; 1979 c. 355 s. 241; 1979 c. 361; 1981 c. 20 ss. 400b to 421, 2202 (57) (b); 1981 c. 44 s. 3; 1981 c. 62, 121; 1981 c. 202 s. 23; 1981 c. 314, 374, 391; 1983 a. 27 ss. 439 to 456, 2202 (1); 1983 a. 36, 187, 282, 371, 393; 1985 a. 29, 31, 57, 120, 296, 297, 332; 1987 a. 27 ss. 296n, 296q, 297b, 297d, 299a to 299r, 300a, 301a, 418 to 432; 1987 a. 142, 147, 342, 399; 1989 a. 31, 56, 107, 122, 336, 339, 345, 366; 1991 a. 39 s. 469, 593q to 614; 1991 a. 105, 269, 315; 1993 a. 16 ss. 470g, 470m, 470r, 488 to 506m; 1993 a. 33, 75, 193, 349, 358, 374, 414, 437, 477, 491; 1995 a. 27, 56, 201, 216, 225, 227, 370, 403; 1997 a. 3; 1997 a. 27 ss. 199, 227 to 229m, 233, 666g to 692, 9456 (3m); 1997 a. 237, 283; 1999 a. 5; 1999 a. 9 ss. 508 to 587d, 9401 (2zt), (2zu); 1999 a. 24, 52, 105, 113, 148, 185; 2001 a. 16 ss. 684d, 685d, 800 to 905; 2001 a. 104 ss. 21, 141; 2001 a. 109; 2003 a. 33 ss. 364d, 365d, 369d, 370d, 374d, 376d, 378d, 380d to 384d, 567 to 615f, 639, 640, 642d to 644, 2811 to 2813; 2003 a. 48 ss. 10, 11; 2003 a. 84; 2003 a. 139 ss. 9 to 12; 2003 a. 206 s. 23; 2003 a. 326; 2005 a. 25 ss. 389 to 429m, 2493, 2494, 2495, 9401, 9409; 2005 a. 60, 124, 141, 142, 253, 344, 414, 433; 2007 a. 20 ss. 323, 326, 516e to 542g, 9121 (6) (a); 2007 a. 226.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

- 11       **SECTION 39.** 25.96 of the statutes is amended to read:  
12       **25.96 Utility public benefits fund.** There is established a separate  
13       nonlapsible trust fund designated as the utility public benefits fund, consisting of  
14       low-income assistance fees received under s. ~~16.957~~ **196.3746** (4) (a) and (5) (b) 2. and  
15       all moneys received under s. 196.374 (3) (b) 4.

**History:** 1999 a. 9; 2005 a. 141; 2007 a. 20.

1           **SECTION 40.** 46.215 (1) (n) of the statutes is amended to read:

2           46.215 (1) (n) To collect and transmit information to the department of  
3           ~~administration~~ public service commission so that a federal energy assistance  
4           payment may be made to an eligible household; to collect and transmit information  
5           to the ~~department of administration~~ public service commission so that  
6           weatherization services may be made available to an eligible household; to receive  
7           applications from individuals seeking low-income energy assistance under s. ~~16.27~~  
8           196.3744 (4) or weatherization services under s. ~~16.26~~ 196.3742; to provide  
9           information on the income eligibility for weatherization of a recipient of low-income  
10          energy assistance to an entity with which the ~~department of administration~~ public  
11          service commission contracts for provision of weatherization under s. ~~16.26~~  
12          196.3742; and to receive a request, determine a correct payment amount, if any, and  
13          provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744 (8).

**History:** 1971 c. 218; 1973 c. 90, 147, 333, 336; 1975 c. 39, 307, 421; 1977 c. 29, 271, 418; 1979 c. 34; 1981 c. 20 ss. 867m to 870, 2202 (20) (j); 1981 c. 81, 329; 1983 a. 27 ss. 1080, 2202 (20); 1983 a. 190 s. 7; 1983 a. 193; 1985 a. 29, 120; 1985 a. 176 ss. 322 to 332; Stats. 1985 s. 46.215; 1987 a. 27; 1987 a. 403 s. 256; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2063 to 2076, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 225, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9; 2001 a. 16; 2003 a. 33; 2005 a. 25, 264, 388, 406; 2007 a. 20 ss. 848 to 856, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

14          **SECTION 41.** 46.22 (1) (b) 4m. c. of the statutes is amended to read:

15          46.22 (1) (b) 4m. c. To receive applications from individuals seeking low-income  
16          energy assistance under s. ~~16.27~~ 196.3744 (4) or weatherization services under s.  
17          ~~16.26~~ 196.3742.

**History:** 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

18          **SECTION 42.** 46.22 (1) (b) 4m. d. of the statutes is amended to read:

19          46.22 (1) (b) 4m. d. To provide information on the income eligibility for  
20          weatherization of a recipient of low-income energy assistance to an entity with

- 1 which the ~~department of administration~~ public service commission contracts for  
2 provision of weatherization under s. ~~16.26~~ 196.3742.

**History:** 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

- 3 **SECTION 43.** ~~46.22 (1) (b) 4m. e. of the statutes is amended to read:~~

- 4 **46.22 (1) (b) 4m. e.** To receive a request, determine a correct payment amount,  
5 if any, and provide payment, if any, for emergency assistance under s. ~~16.27~~ 196.3744  
6 (8).

**History:** 1971 c. 164, 218; 1973 c. 90 ss. 226, 560 (3); 1973 c. 147, 333; 1975 c. 39; 1975 c. 189 s. 99 (1), (2); 1975 c. 224 ss. 52p, 146m; 1975 c. 307, 422; 1975 c. 430 s. 78; 1977 c. 29 ss. 560, 1656 (18); 1977 c. 83 s. 26; 1977 c. 418, 449; 1979 c. 34, 221; 1981 c. 20 ss. 759 to 763m, 2202 (20) (j); 1981 c. 329; 1981 c. 390 s. 252; 1983 a. 27 s. 2202 (20); 1983 a. 190 s. 7; 1983 a. 192, 193, 447; 1985 a. 29, 120; 1985 a. 176 ss. 28, 30, 59 to 105; 1985 a. 332; 1987 a. 5, 27; 1989 a. 31, 107, 336, 359; 1991 a. 39, 274; 1993 a. 16; 1995 a. 27 ss. 2077 to 2111, 9126 (19), 9130 (4); 1995 a. 64, 77, 201, 289, 352, 404, 417; 1997 a. 3, 27, 35, 252; 1999 a. 9, 83; 2001 a. 16, 103; 2003 a. 33; 2005 a. 25, 264, 344, 388, 406; 2007 a. 20 ss. 857 to 877, 9121 (6) (a); 2007 a. 45, 96; s. 13.92 (2) (i).

- 7 **SECTION 44.** ~~76.28 (1) (d) of the statutes is amended to read:~~

- 8 **76.28 (1) (d)** "Gross revenues" for a light, heat and power company other than  
9 a qualified wholesale electric company or a transmission company means total  
10 environmental control charges paid to the company under a financing order issued  
11 under s. 196.027 (2) and total operating revenues as reported to the public service  
12 commission except revenues for interdepartmental sales and for interdepartmental  
13 rents as reported to the public service commission and deductions from the sales and  
14 use tax under s. 77.61 (4), except that the company may subtract from revenues  
15 either the actual cost of power purchased for resale, as reported to the public service  
16 commission, by a light, heat and power company, except a municipal light, heat and  
17 power company, that purchases under federal or state approved wholesale rates  
18 more than 50% of its electric power from a person other than an affiliated interest,  
19 as defined in s. 196.52 (1), if the revenue from that purchased electric power is  
20 included in the seller's gross revenues or the following percentages of the actual cost  
21 of power purchased for resale, as reported to the public service commission, by a  
22 light, heat and power company, except a municipal light, heat and power company

1 that purchases more than 90% of its power and that has less than \$50,000,000 of  
2 gross revenues: 10% for the fee assessed on May 1, 1988, 30% for the fee assessed on  
3 May 1, 1989, and 50% for the fee assessed on May 1, 1990, and thereafter. For a  
4 qualified wholesale electric company, "gross revenues" means total business  
5 revenues from those businesses included under par. (e) 1. to 4. For a transmission  
6 company, "gross revenues" means total operating revenues as reported to the public  
7 service commission, except revenues for transmission service that is provided to a  
8 public utility that is subject to the license fee under sub. (2) (d), to a public utility, as  
9 defined in s. 196.01 (5), or to a cooperative association organized under ch. 185 for  
10 the purpose of providing electricity to its members only. For an electric utility, as  
11 defined in s. ~~16.957~~ 196.3746 (1) (g), "gross revenues" does not include low-income  
12 assistance fees collected by the electric utility under s. ~~16.957~~ 196.3746 (4) (a) or (5)  
13 (a). For a generator public utility, "gross revenues" does not include any grants  
14 awarded to the generator public utility under s. 16.958 (2) (b). For a wholesale  
15 supplier, as defined in s. ~~16.957~~ 196.3746 (1) (w), "gross revenues" does not include  
16 any low-income assistance fees that are received from a municipal utility or retail  
17 electric cooperative or under a joint program established under s. ~~16.957~~ 196.3746  
18 (5) (f). For a municipal utility, "gross revenues" does not include low-income  
19 assistance fees received by the municipal utility from a municipal utility or retail  
20 electric cooperative under a joint program established under s. ~~16.957~~ 196.3746 (5)  
21 (f).

History: 1983 a. 27, 405; 1985 a. 29, 120; 1987 a. 27; 1993 a. 205; 1995 a. 27, 351; 1997 a. 35; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 107; 2003 a. 33, 152; 2005 a. 141.

**SECTION 45.** 76.28 (1) (eg) of the statutes is amended to read:

1           76.28 (1) (eg) "Municipal utility" has the meaning given in s. ~~16.957~~ 196.3746  
2           (1) (q).

3           History: 1983 a. 27, 405; 1985 a. 29, 120; 1987 a. 27; 1993 a. 205; 1995 a. 27, 351; 1997 a. 35; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 107; 2003 a. 33, 152; 2005 a. 141.

3           **SECTION 46.** 76.28 (1) (gr) of the statutes is amended to read:

4           76.28 (1) (gr) "Retail electric cooperative" has the meaning given in s. ~~16.957~~  
5           196.3746 (1) (t).

6           History: 1983 a. 27, 405; 1985 a. 29, 120; 1987 a. 27; 1993 a. 205; 1995 a. 27, 351; 1997 a. 35; 1999 a. 9; 1999 a. 150 s. 672; 2001 a. 16, 107; 2003 a. 33, 152; 2005 a. 141.

6           **SECTION 47.** 76.48 (1g) (d) of the statutes is amended to read:

7           76.48 (1g) (d) "Gross revenues" means total operating revenues, except  
8           revenues for interdepartmental sales and for interdepartmental rents, less  
9           deductions from the sales and use tax under s. 77.61 (4) and, in respect to any electric  
10          cooperative that purchases more than 50% of the power it sells, less the actual cost  
11          of power purchased for resale by an electric cooperative, if the revenue from that  
12          purchased electric power is included in the seller's gross revenues or if the electric  
13          cooperative purchased more than 50% of the power it sold in the year prior to  
14          January 1, 1988, from a seller located outside this state. For an electric cooperative,  
15          "gross revenues" does not include grants awarded to the electric cooperative under  
16          s. 16.958 (2) (b). For a retail electric cooperative, "gross revenues" does not include  
17          low-income assistance fees collected by the retail electric cooperative under s. ~~16.957~~  
18          196.3746 (5) (a), low-income assistance fees received by the retail electric  
19          cooperative from a retail electric cooperative or municipal utility under a joint  
20          program established under s. ~~16.957~~ 196.3746 (5) (f). For a wholesale supplier, as  
21          defined in s. ~~16.957~~ 196.3746 (1) (w), "gross revenues" does not include any  
22          low-income assistance fees that are received from a municipal utility, as defined in



s. ~~16.957~~ 196.3746 (1) (q), or retail electric cooperative or under a joint program established under s. ~~16.957~~ 196.3746 (5) (f).

**History:** 1971 c. 125, 215; 1973 c. 12; 1975 c. 39, 224; 1977 c. 29, 142, 272, 418; 1979 c. 110 s. 60 (11), (13); 1979 c. 207; 1981 c. 20; 1983 a. 27; 1985 a. 120; 1987 a. 27, 399; 1991 a. 39; 1999 a. 9; 2001 a. 16, 107; 2003 a. 33; 2005 a. 141.

**SECTION 48.** 76.48 (1g) (dm) of the statutes is amended to read:

76.48 (1g) (dm) "Municipal utility" has the meaning given in s. ~~16.957~~ 196.3746 (1) (q).

**History:** 1971 c. 125, 215; 1973 c. 12; 1975 c. 39, 224; 1977 c. 29, 142, 272, 418; 1979 c. 110 s. 60 (11), (13); 1979 c. 207; 1981 c. 20; 1983 a. 27; 1985 a. 120; 1987 a. 27, 399; 1991 a. 39; 1999 a. 9; 2001 a. 16, 107; 2003 a. 33; 2005 a. 141.

**SECTION 49.** 76.48 (1g) (fm) of the statutes is amended to read:

76.48 (1g) (fm) "Retail electric cooperative" has the meaning given in s. ~~16.957~~ 196.3746 (1) (t).

**History:** 1971 c. 125, 215; 1973 c. 12; 1975 c. 39, 224; 1977 c. 29, 142, 272, 418; 1979 c. 110 s. 60 (11), (13); 1979 c. 207; 1981 c. 20; 1983 a. 27; 1985 a. 120; 1987 a. 27, 399; 1991 a. 39; 1999 a. 9; 2001 a. 16, 107; 2003 a. 33; 2005 a. 141.

**SECTION 50.** 77.54 (44) of the statutes is amended to read:

77.54 (44) The gross receipts from the collection of low-income assistance fees that are charged under s. ~~16.957~~ 196.3746 (4) (a) or (5) (a).

**History:** 1971 c. 64, 154, 215, 311; 1973 c. 90, 156, 240; 1975 c. 39, 96, 102, 146, 200; 1977 c. 29; 1977 c. 83 ss. 13, 26; 1977 c. 250, 368, 418; 1979 c. 1, 34, 87, 174; 1981 c. 20; 1981 c. 79 s. 18; 1981 c. 96 s. 67; 1981 c. 264; 1981 c. 282 s. 47; 1981 c. 317; 1983 a. 27 ss. 1284d to 1284np, 2202 (38); 1983 a. 189 ss. 101, 106, 329 (5), (12), (13); 1983 a. 192, 287, 405, 426, 498, 510, 538, 544; 1985 a. 29, 149, 332; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31, 238, 270, 335, 359; 1991 a. 37, 39, 269, 316; 1993 a. 16, 263, 332; 1995 a. 27, 125, 225, 227; 1997 a. 27, 35, 41, 184, 237, 291; 1999 a. 9, 65, 83; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 16, 103, 109; 2003 a. 99, 128; 2005 a. 25, 74, 141, 149, 335, 366, 479; 2007 a. 11, 19, 20, 97, 130.

**SECTION 51.** 134.80 of the statutes is amended to read:

**134.80 Home heating fuel dealers.** Any dealer selling fuel of any kind for the purpose of heating a private residence shall notify each private residential customer whose account is subject to disconnection of the existence of the fuel assistance programs provided by the ~~department of administration~~ commission under s. ~~16.27~~ 196.3746.

**History:** 1977 c. 418; 1981 c. 20; 1995 a. 27 s. 9126 (19); 1995 a. 417; 2003 a. 33.

**SECTION 52.** 196.025 (1) (ag) 2. of the statutes is amended to read:

196.025 (1) (ag) 2. "Wholesale supplier" has the meaning given in s. ~~16.957~~ 196.3746 (1) (w).

**History:** 1993 a. 414; 1999 a. 9; 2001 a. 38; 2003 a. 89; 2005 a. 141.

**SECTION 53.** 196.374 (1) (f) of the statutes is amended to read:

1           196.374 (1) (f) "Load management program" means a program to allow an  
2           energy utility, municipal utility, wholesale electric cooperative, as defined in s.  
3           ~~16.957~~ 196.3746 (1) (v), retail electric cooperative, or municipal electric company, as  
4           defined in s. 66.0825 (3) (d), to control or manage daily or seasonal customer demand  
5           associated with equipment or devices used by customers or members.

History: 1983 a. 27; 1999 a. 9; 2001 a. 30; 2005 a. 141; 2007 a. 17, 20.

6           **SECTION 54.** 196.374 (1) (h) of the statutes is amended to read:

7           196.374 (1) (h) "Municipal utility" has the meaning given in s. ~~16.957~~ 196.3746  
8           (1) (q).

History: 1983 a. 27; 1999 a. 9; 2001 a. 30; 2005 a. 141; 2007 a. 17, 20.

9           **SECTION 55.** 196.374 (1) (L) of the statutes is amended to read:

10          196.374 (1) (L) "Retail electric cooperative" has the meaning given in s. ~~16.957~~  
11          196.3746 (1) (t).

History: 1983 a. 27; 1999 a. 9; 2001 a. 30; 2005 a. 141; 2007 a. 17, 20.

12          **SECTION 56.** 196.374 (1) (n) of the statutes is amended to read:

13          196.374 (1) (n) "Wholesale supplier" has the meaning given in s. ~~16.957~~  
14          196.3746 (1) (w).

History: 1983 a. 27; 1999 a. 9; 2001 a. 30; 2005 a. 141; 2007 a. 17, 20.

15          **SECTION 57.** 196.374 (1) (o) of the statutes is amended to read:

16          196.374 (1) (o) "Wholesale supply percentage" has the meaning given in s.  
17          ~~16.957~~ 196.3746 (1) (x).

History: 1983 a. 27; 1999 a. 9; 2001 a. 30; 2005 a. 141; 2007 a. 17, 20.

18          **SECTION 58.** 196.374 (3) (a) of the statutes is amended to read:

19          196.374 (3) (a) *In general.* The commission shall have oversight of programs  
20          under sub. (2). The commission shall maximize coordination of program delivery,  
21          including coordination between programs under subs. (2) (a) 1., (b) 1. and 2., and (c)  
22          and (7), ordered programs, low-income weatherization programs under s. ~~16.957~~  
23          196.3746, renewable resource programs under s. 196.378, and other energy

1 efficiency or renewable resource programs. The commission shall cooperate with the  
2 department of natural resources to ensure coordination of energy efficiency and  
3 renewable resource programs with air quality programs and to maximize and  
4 document the air quality improvement benefits that can be realized from energy  
5 efficiency and renewable resource programs.

History: 1983 a. 27; 1999 a. 9; 2001 a. 30; 2005 a. 141; 2007 a. 17, 20.

6 **SECTION 59.** 196.378 (1) (p) of the statutes is amended to read:

7 196.378 (1) (p) "Wholesale supplier" has the meaning given in s. 16.957  
8 196.3746 (1) (w).

History: 1999 a. 9; 2001 a. 30; 2005 a. 141.

9 **SECTION 60.** 285.48 (4) (b) of the statutes is amended to read:

10 285.48 (4) (b) The implementation of low-income weatherization and energy  
11 conservation measures, including programs established under s. 16.957 196.3746 (2)  
12 (a) ~~for (b)~~ or programs under s. 196.374.

NOTE: Note: Section 16.957 (2) (b) was repealed by 2005 Wis. Act 141. NOTE:

History: 1999 a. 9, 75; 2005 a. 141.

13 **SECTION 61.** 977.01 (2) of the statutes is amended to read:

14 977.01 (2) "Public assistance" means relief provided by counties under s. 59.53  
15 (21), Wisconsin works under ss. 49.141 to 49.161, medical assistance under subch.  
16 IV of ch. 49, low-income energy assistance under s. 16.27 196.3744, weatherization  
17 assistance under s. 16.26 196.3742, and the food stamp program under 7 USC 2011  
18 to 2029.

History: 1977 c. 29; 2003 a. 33 ss. 1913, 2776, 2777.

19 **SECTION 9101. Nonstatutory provisions; Administration.**

20 (1) PUBLIC SERVICE COMMISSION TRANSFERS.

21 (a) *Definitions.* In this subsection:

22 1. "Commission" means the public service commission.

23 2. "Department" means the department of administration.

1           3. "Division" means the division of energy of the department of administration.

2           4. "Office" means the office of energy independence.

3           5. "Secretary" means the secretary of administration.

4           (b) *Assets and liabilities*. On the effective date of this paragraph, the assets and  
5 liabilities of the department that are primarily related to the division or office, as  
6 determined by the secretary, shall become the assets and liabilities of the  
7 commission.

8           (c) *Positions and employees*. On the effective date of this paragraph, all  
9 positions, except for the administrator of the division, and all incumbent employees  
10 holding those positions in the department performing duties that are primarily  
11 related to the division or office, as determined by the secretary, are transferred to the  
12 commission.

13           (d) *Employee status*. Employees transferred under paragraph (c) have all the  
14 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
15 statutes in the commission that they enjoyed in the department immediately before  
16 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so  
17 transferred who has attained permanent status in class is required to serve a  
18 probationary period.

19           (e) *Tangible personal property*. On the effective date of this paragraph, all  
20 tangible personal property, including records, of the department that is primarily  
21 related to the division or office, as determined by the secretary, is transferred to the  
22 commission.

23           (f) *Contracts*. All contracts entered into by the department in effect on the  
24 effective date of this paragraph that are primarily related to the division or office, as  
25 determined by the secretary, remain in effect and are transferred to the commission.

1 The commission shall carry out any obligations under those contracts unless  
2 modified or rescinded by the commission to the extent allowed under the contract.

3 (g) *Rules and orders.* All rules promulgated by the department in effect on the  
4 effective date of this paragraph that are primarily related to the division or office  
5 remain in effect until their specified expiration dates or until amended or repealed  
6 by the commission. All orders issued by the department in effect on the effective date  
7 of this paragraph that are primarily related to the division or office remain in effect  
8 until their specified expiration dates or until modified or rescinded by the  
9 commission.

10 (h) *Pending matters.* Any matter pending with the department on the effective  
11 date of this paragraph that is primarily related to the division or office, as  
12 determined by the secretary, is transferred to the commission. All materials  
13 submitted to or actions taken by the department with respect to the pending matter  
14 are considered as having been submitted to or taken by the commission.

15 (END)

D-Note

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1261/P1dn

MDK: *kjf*

*Date*

Cindy Dombrowski:

Please note the following about this draft:

1. Do you want to create a new appropriation in s. 20.155 for the Office of Energy Independence (OEI), or do you think that the purposes of the office are covered under an existing appropriation in s. 20.155? ✓
2. The only provisions of subch. VI of ch. 16 that I transferred to the PSC are ss. 16.956 and 16.957. (I also transferred ss. 16.26 and 16.27, which are in subch. I of ch. 16, to the PSC.) Is that okay? ✓
3. Is it okay to refer to the federal appropriation under s. 20.155 (1) (m) in s. 20.155 (3) (k) (which is renumbered from 20.505 (1) (kn)), or do you want to create a new federal appropriation under s. 20.155 (3)? Note that 20.155 (1) (m) is also cross-referenced in s. 196.3744 (3) (b), (c), and (e) (intro). ✓

Mark D. Kunkel  
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**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1261/P1dn  
MDK:kjfrs

January 15, 2009

Cindy Dombrowski:

Please note the following about this draft:

1. Do you want to create a new appropriation in s. 20.155 for the Office of Energy Independence (OEI), or do you think that the purposes of the office are covered under an existing appropriation in s. 20.155?
2. The only provisions of subch. VI of ch. 16 that I transferred to the PSC are ss. 16.956 and 16.957. (I also transferred ss. 16.26 and 16.27, which are in subch. I of ch. 16, to the PSC.) Is that okay?
3. Is it okay to refer to the federal appropriation under s. 20.155 (1) (m) in s. 20.155 (3) (k) (which is renumbered from 20.505 (1) (kn)), or do you want to create a new federal appropriation under s. 20.155 (3)? Note that 20.155 (1) (m) is also cross-referenced in s. 196.3744 (3) (b), (c), and (e) (intro.).

Mark D. Kunkel  
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**Kunkel, Mark**

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**From:** Dombrowski, Cynthia A - DOA [cynthia.dombrowski@wisconsin.gov]  
**Sent:** Thursday, January 15, 2009 2:06 PM  
**To:** Kunkel, Mark  
**Subject:** LRB Draft: 09-1261/P1 Transfer Division of Energy and Office of Energy Independence to PSC  
**Attachments:** 09-1261/P1.pdf; 09-1261/P1dn.pdf

Hi Mark -

The Office of Energy Independence should now stay attached in DOA. I'll get back to you on the appropriation language.

Thanks,  
Cindy

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**From:** Schlueter, Ron [mailto:Ron.Schlueter@legis.wisconsin.gov]  
**Sent:** Thursday, January 15, 2009 1:59 PM  
**To:** Dombrowski, Cynthia A - DOA  
**Cc:** Pawasarat, Jane - DOA; Hanaman, Cathlene - LEGIS; Beadles, Kathleen - DOA  
**Subject:** LRB Draft: 09-1261/P1 Transfer Division of Energy and Office of Energy Independence to PSC

*Following is the PDF version of draft 09-1261/P1.*